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THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

WRIT PETITION NO. 17163 OF 2000

DATED: 19-10-2005

Between

Sri Ratnagiri Cements Private Limited,
represented by its Managing Director,
Shri Pagadala Ajay Kumar.

..... PETITIONER

And

The Government of Andhra Pradesh,
Industries Department, represented by
Principal Secretary (Major Industries),
Secretariat, Hyderabad and others.

..... RESPONDENTS

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ORDER:

The present writ petition has been filed by the petitioner – industry questioning the action of respondents 1 and 2 in not giving to it the benefits of G.O.Ms.No.108, Target – 2000, dated
20-05-1996. The petitioner essentially questions the inaction of respondents 1 and 2 in this writ petition and accordingly, prays for issuance of consequential directions to respondents 1 and 2 to give to it the benefits under the said G.O.

The petitioner – industry claims certain incentives as provided for under the G.O for the newly set up industries which went into commercial production on or after 15-11-1995. The incentives which were granted to the industrial units are – (a) sales tax exemption for a period of seven years; (b) investment subsidy at the rate of 20% of the fixed capital investment but not exceeding Rs.20 Lakhs and (c) rebate in electricity charges, the maximum total admissible rebate for three years will be Rs.50 Lakhs in respect of large and medium scale industries and Rs.30 Lakhs in respect of small scale industries.

The petitioner made representations to the 2nd respondent claiming the benefit under the G.O on 11-07-1998, 21-10-1998 and 28-10-1998. On 27-02-1999, the 3rd

respondent issued a letter to the 2nd respondent duly recommending the case of the petitioner and to accept the representation made by the petitioner. Since no action has been taken by the 2nd respondent, the petitioner claims to have made a representation to the Hon'ble Minister for Industries on 23-03-1999 followed by the representations dated 31-03-1999, 24-06-1999 and 09-07-1999. On 29-07-1999, the Hon'ble Minister is stated to have directed the file to be returned to the 2nd respondent for further process pursuant to which the petitioner made detailed representations on 10-08-1999 and 27-04-2000 to the 2nd respondent claiming the benefits under the G.O. The gravamen of the complaint in the instant writ petition relates to inaction on the part of the 2nd respondent in considering the matter even after the recommendations made by the 3rd respondent.

It is not possible for this Court to decide as to whether the petitioner is entitled as such for the benefits under the said G.O. But at the same time, it is difficult to overlook and ignore the inaction on the part of the 2nd respondent in considering the representations made by the petitioner seeking the benefit under the G.O. The 2nd respondent ought to have taken the recommendations of the 3rd respondent into consideration and an appropriate decision ought to have been taken in the matter.

In the circumstances, I consider it appropriate to dispose of the writ petition directing the 2nd respondent to take an appropriate decision on the representations stated to have been submitted by the petitioner within a period of two months from the date of receipt of a copy of this order, if no decision has been taken so far, and communicate the same to the petitioner.

The Writ Petition is accordingly disposed of. No costs.

(B. Sudershan Reddy, J)

19..10..2005

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